



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Jacob K. Javits Federal Building
26 Federal Plaza, 37th Floor
New York, New York 10278*

February 26, 2024

By ECF

The Honorable Sidney H. Stein
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

**Re: *United States v. Robert Menendez, et. al,*
S2 23 Cr. 490 (SHS)**

Dear Judge Stein:

The Government respectfully submits the enclosed proposed protective order for the Court's consideration, which concerns the Government's anticipated production of certain classified information to the defendants pursuant to Section 3 of the Classified Information Procedures Act ("CIPA"). The Government circulated the proposed protective order to the defendants on February 9, 2024, but has not received a response.

The Government cannot produce classified information to cleared counsel until there is a protective order in place governing classified materials, as provided for by Section 3 of CIPA, *see 18 U.S.C. App. 3 § 3* ("[u]pon motion of the United States, the court shall issue an order to protect against the disclosure of any classified information disclosed by the United States to any defendant in any criminal case"). To the extent the defendants have any objections to the proposed protective order, the Government requests the opportunity to respond.

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Respectfully submitted,

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Enclosure

cc: (by ECF)

Counsel of Record